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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 VICTORIA L. MCPHAIL,

10 Plaintiff,

11 vs.

12 MICHAEL J. ASTRUE,
13 Commissioner of Social Security,

14 Defendant.

Civil No. 3:10-CV-05681 BHS-JRC

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the court on the Stipulation of Dismissal (ECF No. 11). After reviewing the parties' stipulated dismissal and the remaining record, the undersigned recommends that the Court allow the dismissal.

Given the fact of the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and dismiss this case.

DATED this 23rd day of December 2010.


J. Richard Creatura

United States Magistrate Judge